

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:18-cr-00076
42 U.S.C. § 6928(d)(2)(A)
18 U.S.C. § 2

EXECUTIVE AIR TERMINAL, INC.

I N F O R M A T I O N

(Storage of Hazardous Waste Without a Permit)

The United States Attorney Charges:

Background

At all relevant times:

1. Pursuant to the Resource Conservation and Recovery Act ("RCRA"), the United States Environmental Protection Agency ("EPA") and the states regulated various types of solid wastes classified as hazardous wastes. RCRA made it a crime for a person to knowingly treat, store or dispose of hazardous waste without a permit.

2. The EPA has authorized the State of West Virginia, specifically the West Virginia Department of Environmental Protection ("WV DEP"), to administer a hazardous waste program in

lieu of a federal program. The EPA retained enforcement authority to enforce RCRA in West Virginia.

3. Brian Scott Miller was the owner and president of EXECUTIVE AIR TERMINAL, INC. ("EXECUTIVE AIR").

4. Defendant EXECUTIVE AIR was a West Virginia corporation that served as the fixed base operator for Yeager Airport in Charleston, West Virginia. Specifically, defendant EXECUTIVE AIR provided aeronautical services, including fueling, hangaring, and other services for private and commercial airplanes at Yeager Airport in Charleston, West Virginia.

5. Defendant EXECUTIVE AIR generated hazardous waste in the course of fueling and other services. The hazardous waste was generated during defendant EXECUTIVE AIR's operations by draining and collecting fluids, such as oil, aviation fuels, as well as deicing fluid and other similar fluids. These fluids generally were placed in unmarked 55-gallon drums by Executive Air employees.

6. Defendant EXECUTIVE AIR was allowed, pursuant to the RCRA, to store up to 1000 kilograms of hazardous waste without obtaining a RCRA hazardous waste storage permit from the WV DEP. Defendant EXECUTIVE AIR needed to obtain a RCRA storage permit once the amount of stored hazardous waste exceeded 1000 kilograms.

7. By September 2015, defendant EXECUTIVE AIR had accumulated thirty-seven 55-gallon drums containing waste fluids. Twenty-seven of the drums contained hazardous waste. The twenty-seven drums weighed approximately 3674 kilograms.

8. Defendant EXECUTIVE AIR did not have a permit to store hazardous waste at its Yeager Airport facility.

The RCRA Violation

9. On or about September 17, 2015, at or near Charleston, Kanawha County, West Virginia, in the Southern District of West Virginia and elsewhere, defendant EXECUTIVE AIR, aided and abetted by others known to the United States Attorney, knowingly stored, and caused the storage of hazardous waste at the Executive Air facility at Yeager Airport without a permit as required by the RCRA, until the drums were moved off site in the early morning hours of September 17 and 18, 2015.

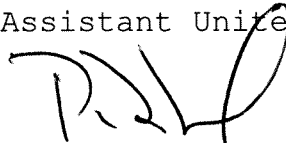
In violation of Title 42, United States Code, Section 6928(d)(2)(A), and Title 18, United States Code, Section 2.

UNITED STATES OF AMERICA

MICHAEL B. STUART
United States Attorney



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